



NASA Procedural Requirements

NPR 1900.3A

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2009**COMPLIANCE IS MANDATORY**[Printable Format \(PDF\)](#)

Subject: Ethics Program Management

Responsible Office: Office of the General Counsel

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CHAPTER 1: Responsibility

1.1 General Counsel

1.1.1 Program Responsibility

The General Counsel of NASA is the Designated Agency Ethics Official (DAEO) and is delegated the authority to coordinate and manage NASA's Ethics Program as set forth in 5 CFR § 2638.203. The DAEO has primary responsibility for the administration, coordination, and management of the Agency's Ethics Program. Any delegation or re-assignment of the DAEO's duties does not release the DAEO from responsibility. The DAEO's oversight responsibilities include ensuring that NASA's Ethics Program has adequate resources, is effective, and is administered in accordance with applicable laws and regulations. The DAEO makes delegations of authority and ensures that prompt and effective action is taken to remedy potential or actual conflicts of interests. The DAEO's responsibilities include, but are not limited to, the following activities:

- a. Providing final written or oral opinions concerning the application of the conflict of interest laws or the Standards of Ethical Conduct for Employees of the Executive Branch, including giving advice directly to Government employees;
- b. Serving as an "Agency Designee" for purposes of 5 CFR part 2635;
- c. Maintaining, distributing, collecting, reviewing, and certifying financial disclosure reports, in accordance with relevant laws and regulations;
- d. Receiving, reviewing, and granting requests for disclosure of Public Financial Disclosure Reports, in accordance with relevant laws and regulations;
- e. Determining Agency policies, e.g., determining (with approval by the Office of Government Ethics (OGE)) the need to issue, and content of, supplemental standards of ethical conduct regulations, and recommending for designation departmental or Agency components for purposes of 18 U.S.C. § 207;
- f. Referring a criminal or regulatory matter to the NASA Inspector General for investigation;
- g. Assisting the NASA Inspector General in referring a criminal matter to the Department of Justice (DOJ);
- h. When matters have been referred to DOJ (or State or local authorities) for potential prosecution, referring matters to and advising appropriate management officials to assist them in taking appropriate administrative action whether the matter is ultimately accepted for prosecution or declined. Such action need not await final outcome of the criminal matter if NASA officials have sufficient factual basis for initiating an action, provided that such actions are coordinated with prosecutors to ensure that the potential criminal case is not prejudiced;
- i. Referring matters to and advising appropriate management officials to assist them in taking administrative action to the fullest extent with regard to regulatory violations;
- j. Exercising delegated authority to grant individual waivers under 18 U.S.C. §§ 208(b)(1) and (b)(3);

k. Appointing Deputy Ethics Officials;

l. Developing and conducting training; and

m. Ensuring proper maintenance and disposition of Ethics Program records in accordance with NPR 1441.1D, NASA Records Retention Schedules.

1.1.2 Financial Disclosure Reports

The General Counsel shall review any complaint by a NASA Headquarters filer that his or her position has been improperly determined to be one that requires the submission of an OGE Form 450. A decision by the General Counsel shall be final.

1.2 Alternate Designated Agency Ethics Official (ADAEO)

1.2.1 Program Responsibility

The ADAEO manages the Ethics Program on behalf of the DAEO. The ADAEO is responsible to the DAEO for all Ethics Program activities Agencywide. Any further delegation or reassignment of these duties does not release the ADAEO from responsibility.

1.2.2 Financial Disclosure Reports

The ADAEO will provide a recommendation to the Director, Headquarters Human Resources Management Division, on the merits of exempting a position or class of positions at NASA Headquarters from the confidential reporting requirement.

1.3 Center Chief Counsel

1.3.1 Program Responsibility

Each Center Chief Counsel, as a Deputy Ethics Official, is responsible to the DAEO for all Ethics Program activities at the Center. Any further delegation or reassignment of these duties does not release the Chief Counsel from responsibility.

1.3.2 Financial Disclosure Reports

a. The Chief Counsel of a NASA Center shall review any complaint by a NASA Center filer that his or her position has been improperly determined to be one that requires the submission of an OGE Form 450. A decision by the Chief Counsel shall be final.

b. The Chief Counsel will provide a recommendation to Center Human Resources Officers on the merits of exempting a position or class of positions at a NASA Center or Component Facility from the confidential reporting requirement.

c. If circumstances require it, a Chief Counsel may perform duties that are the responsibility of other offices, as set forth in NPD 1900.9D.

1.4 Director, Headquarters Human Resources Management Division

The Director, Headquarters Human Resources Management Division, will determine whether to exempt a position or class of positions at Headquarters from the confidential reporting requirement, subject to the standards set forth in chapter 4.

1.5 Center Human Resources Officers

Center Human Resources Officers will determine whether to exempt a position or class of positions at a NASA Center or Component Facility from the confidential reporting requirement, subject to the standards set forth in chapter 4. In this NPR and the accompanying NPD, Center Human Resources Officers are also designated as "Directors" when collectively referring to the Director of the Headquarters Human Resources Management Division and Center Human Resources Officers.

1.6 Advisory Committee Executive Secretaries

The Executive Secretaries of NASA Advisory Committees are responsible for reviewing the financial disclosure reports for Special Government Employees (SGEs) assigned to their committees.

1.7 Agency Designee

a. An "Agency Designee" is defined as any Agency employee who has been delegated authority herein to make determinations, give approvals, or take action required or permitted under the Standards of Conduct.

b. As used in 5 CFR part 2635, the term "Agency Designee" refers to the following:

1) For employees at NASA Headquarters, or for matters affecting employees Agencywide, the Associate Deputy Administrator for Institutions and Asset Management, the Designated Agency Ethics Official, the Alternate Designated Agency Ethics Official, or the Chief of Staff; and

(2) For Center employees, the Center Director, who may delegate specific responsibilities of the Agency Designee to the Center Chief Counsel or to another official who reports directly to the Center Director.

1.8 Ethics Officials

As used throughout this NPR, the term "ethics officials" refers to Deputy Ethics Officials and their designees.

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